

THE HON'BLE SRI JUSTICE N.V. RAMANA

-
W.P. No. 11791 of 2006

Oral order:

Assailing the order dated 30.05.2006, passed by the respondent, namely the Depot Manager, Eleswaram, placing the petitioner under suspension, he filed the present writ petition.

It is the contention of the petitioner that on the ground that he having reported sick for the period from 11.05.2006 to 15.05.2006, participated in the dharna staged on 12.05.2006, the respondent, placed him under suspension, pending enquiry into the charges, and though he was placed under suspension on 30.05.2006, till date there is no progress in the enquiry and without completing the enquiry, he is being continued under suspension.

The respondent, who appeared before this Court in person, filed a detailed counter and sought to defend her action of placing the petitioner under suspension pending enquiry into the charges. The learned Standing Counsel appearing on behalf of the respondent, reiterating the counter averments submitted that the petitioner was not available for duties for 78 days during peak season, and he is a trouble maker in the Depot, and on one occasion, he threatened that if leave is not granted to him, he would instigate others not to co-operate in the running of the buses, and due to his activities, the respondents are suffering losses.

The instances of troublesome attitude on the part of the petitioner, pointed out by the respondent in the counter-affidavit, are not subject matter of suspension. At any rate, upon perusal of the suspension order, this Court *prima facie* felt that there was nothing

against the petitioner, which justifies the respondent to place the petitioner under suspension. May be the petitioner during the period he reported sick, participated in a dharna, staged in front of the Depot, but that by itself is not a ground to place the petitioner under suspension, and more so when in a democratic country like India, observance of dharnas by workers in front of their work place, is recognized as one of the several modes of expressing resentment against the actions and policies of the powers that be.

The learned Standing Counsel having conveyed the displeasure of the Court to the authorities of the APSRTC, held discussions with the respondent and other superior officers, and reported that the Divisional Manager concerned has assured that he would consider revocation of suspension of the petitioner in a day's time, pending completion of enquiry, but would transfer him to some other Depot. He submitted that the petitioner taking advantage of the fact that this Court for non-filing of the counter had directed the respondent to appear before the Court, is indulging in malicious canvassing against the respondent in the Depot stating that he had got the respondent arrested for placing him under suspension, and if this attitude of the petitioner is not contained, it would send wrong signals. The counsel for the petitioner disputed this contention of the respondent.

Whether the petitioner indulged in malicious canvassing against the respondent is true or not, but inasmuch as the respondent appeared in pursuance of the orders of this Court, and that too she was directed to appear for non-filing of counter, there can be no reason for the petitioner or for any other person to be jubilant. It is the duty of everybody, be he so ever high, to respect the orders of the Court, and direction by the Courts for appearance, cannot be treated as belittling

their status. Only when required information is not made available to the Courts, does the Courts give directions to the officers concerned to make available the required information, and appearance in such connections, cannot be treated as an insult or affront to their status. Therefore, irrespective of whether the petitioner indulged in malicious canvassing against the petitioner or not, it is made clear that neither the petitioner nor any other person, shall resort to malicious canvassing.

Now that the Divisional Manager concerned, is said to have assured to consider revocation of the suspension of the petitioner in a day's time, he shall do so. He is at liberty to transfer the petitioner, pending conclusion of enquiry, and the petitioner shall abide by the transfer order. The respondent is directed to complete the enquiry. Once the enquiry is concluded, it is open for the petitioner to make a representation to the Divisional Manager concerned, for his re-posting at the place, which shall receive consideration.

With the directions as above, the writ petition is disposed of. No costs.

N.V. RAMANA, J.

Date: 6th July, 2006.

KSR